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Examiner: Ricky D. Shafer
Group Art Unit: 2872

Amendments to the Drawings:

The attached sheets of drawings include a new Figure 21.

Attachment: Replacement Sheets

An **Appendix** including amended drawing figures is attached following page 11 of this paper.

REMARKS/ARGUMENTS

Claims 3-6, 8, 12-14, and 26 are pending in this application, and stand rejected. Claim 26 has been amended in this paper.

The drawings stand objected to, and have been amended in this paper in response to the objection.

Applicant believes the amendments made herein add no new matter. Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Rejection under 35 U.S.C. §112, ¶1

Claims 3-6, 8, 12-14, and 26 stand rejected under 35 U.S.C. §112, ¶1, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The rejection is traversed.

The Examiner asserts that “The specification, as originally filed, does not provide support for the reflective element comprises a ball and the actuator assembly comprises a socket.” Applicants understand the rejection to be based on the language of the claims that the reflective element comprises “one of a ball and a socket,” and the actuator assembly comprises “the other of a ball and a socket.” The specification and drawings describe an embodiment of the invention in which the reflective element comprises the socket and the actuator assembly comprises the ball.

“In establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it. Where

subject matter not shown in the drawing or described in the description is claimed in the application as filed, and such original claim itself constitutes a clear disclosure of this subject matter, then the claim should be treated on its merits, and requirement made to amend the drawing and description to show this subject matter. The claim should not be attacked either by objection or rejection because this subject matter is lacking in the drawing and description. It is the drawing and description that are defective, not the claim.” *Manual of Patent Examining Procedure, §608.01(l)*.

Originally-filed claim 1 calls for:

A vehicular mirror system comprising:

a reflective element having a mounting portion thereon;

an actuator operably interconnected to the reflective element for controlling the tilt of the reflective element, wherein the actuator is operable in a normal range of travel; and

a clutch associated with the actuator for operation of the actuator in a first mode and a second mode, wherein in the first mode the actuator moves in a normal mode of operation and actuates the tilt of the reflective element, and wherein in the second mode the actuator is placed in an impeded mode of operation and the clutch allows the actuator to slip and prevent damage thereto.

Originally-filed claim 2 calls for:

The vehicular mirror system according to claim 1, wherein one of the mounting portion and the actuator comprises a socket, and the other of the mounting portion and the actuator comprises a ball.

Thus, in pertinent part, claim 2 calls for a vehicular mirror system comprising a reflective element having a mounting portion thereon comprising one of a ball and a socket, and an actuator comprising the other of the ball and the socket. It is obvious that claim 2, as filed, calls

for a vehicular mirror system in which the reflective element can comprise a ball and the actuator can comprise a socket, or the reflective element can comprise the socket and the actuator can comprise the ball. While the description may be unclear on this trading of the ball and socket between the reflective element and the actuator, claim 2 clearly calls for and discloses the alternate juxtaposed configuration of the ball and the socket.

Claim 26 is essentially claim 7 rewritten in independent form, including the limitations of claims 1 and 2, based upon the Examiner's previous conclusion that claim 7 would be allowable if rewritten in independent form to include the limitations of claims 1 and 2. Thus, claim 26 incorporates the limitations of as-filed claims 1 and 2, which describe the reflective element and actuator as comprising alternate configurations of the ball and socket. Claims 3-6, 8, and 12-14 depend from claim 26.

Claims 3-6, 8, 12-14, and 26 cannot be rejected based upon the Examiner's position that the specification as filed does not provide support for the reflective element comprising a ball and the actuator assembly comprising a socket, because the claims as filed provide such support. As *MPEP §608.01(l)* clearly provides, as-filed claims 1 and 2, and current claim 26, constitutes a clear disclosure of the alternate configurations of the ball and socket. Claim 26 should be treated on its merits. Claim 26 should not be attacked by objection or rejection because it is the drawing and description that are defective, not claim 26.

The subject matter of claims 3-6, 8, 12-14, and 26 was described in the application in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants request withdrawal of the rejection, and the allowance of claims 3-6, 8, 12-14, and 26.

Objections to the Claims

Claims 3-6, 8, 12-14, and 26 stand objected to for alleged informalities. The objection is traversed.

The Examiner asserts that, in claim 26, line 10, the phrase “a normal” should be replaced with the phrase “the normal.” Claim 26 has been amended to replace the phrase “a normal” with the phrase “the normal” in line 10. Applicants request Applicants request withdrawal of the objection, and the allowance of claims 3-6, 8, 12-14, and 26.

Objections to the Drawings

The drawings stand objected to as allegedly failing to show every feature specified in the claims. The objection is traversed.

The Examiner asserts that the drawings must show the reflective element comprising a ball and the actuator assembly comprising a socket. The drawings have been amended by adding a new Figure 21 showing the reflective element comprising a ball and the actuator assembly comprising a socket, which in effect shows the same ball and socket illustrated individually in Figures 6 and 7, but switched between the reflective element and the actuator assembly. Figure 21 does not introduce new matter because the reflective element comprising a ball and the actuator assembly comprising a socket were disclosed in the application as filed, as discussed above with respect to the rejection under 35 U.S.C. §112, ¶1.

The Brief Description of Drawings has been amended to include a description of Figure 21 after paragraph [0032]. The Detailed Description has been amended by adding a new paragraph after paragraph [0054] describing the alternate juxtaposed configuration of the ball and the socket disclosed in the claims as filed.

The amendments to the drawings resolve the asserted objection. Applicants request that the objection be withdrawn and the amended drawings be accepted.

It is respectfully submitted that all of the claims in the application are allowable over the prior art of record. Prompt notification of allowability is respectfully requested. If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is respectfully invited to contact the undersigned.

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Respectfully submitted,

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